APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,725	12/01/2000	Roland L. Fernandez	MFCP.76396	5313

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EXAMINER
PILLAI, NAMITHA

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/728,725	FERNANDEZ ET AL.
	Examiner	Art Unit
	Namitha Pillai	2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☒ Claim(s) *7-8, 18-19 and 24-25* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>02 March 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *5* .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Specification

1.   The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

2.   The disclosure is objected to because of the following informalities: page 2, line 11 of the specification should read "such *an* update."

Appropriate correction is required.

Claim Objections

3.   Claims 7-8, 18-19 and 24-25 are objected to for being in improper dependent form. The claims are written in the form of a preamble made to depend on another claim. The stated preamble is not given patentable weight as it fails to breathe life, meaning, and vitality into the claims. As such, the claims fail to further limit the subject matter of the claim(s) upon which they depend. See MPEP §§ 608.01(n) and 2111.02.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 11-17 and 20-23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Mione.

Referring to claim 11, Mione discloses a method for rendering any components of a web page on the display of a computer, the computer having the means to render a graphical component upon receiving the request for the display of the components belonging to a website (page 1, column 1, lines 26-30). Mione clearly discloses that this rendering is done for websites, which would clearly be hosted by an application, in order for the user to access these websites and display them on the screen. In order for the user to have access to the web age, the user must instantiate the application that hosts this web page in order to access the web page itself. These are common in processes accessing web sites and are inherent in Mione's disclosure. Mione discloses that the users will be accessing websites and hence the process of a web application being instantiated to access these websites is inherent in Mione's invention (page 1, column 1, lines 1-3). Mione discloses rendering these components for a web page, wherein the rendering will occur when the web page has been requested and the components must be rendered for displaying (page 1, column 1, lines 1-2 and 30-33). Mione discloses determining whether a defined theme tag is present in the web page (page 2, column 1, lines 6-8). Mione discloses that once such a stylizing tag is present in the web page, having the means to be routed to the external appearance manager, which assigns themed appearance characteristics to the elements of a web page, which are then displayed on the web page (page 2, column 1, lines 37-46 and column 2, lines 1-4).

Referring to claims 12 and 21, Mione discloses that all components in a web page, which would include controls that are being requested for display, will be rendered (page 1, column 1, lines 4-6).

Referring to claim 13, Mione discloses looking for the <STYLE> tag, which would be represented as the theming flag for allowing users to determine if theming information is to be followed (page 2, column 1, lines 10-21). If there is no <STYLE> flag set, then another HTML tag <LINK> is checked to determine if there is in fact theme information to search for (page 2, column 2, lines 1-4). Mione discloses that once such a stylizing tag is present in the web page, having the means to be routed to the external appearance manager, which assigns themed appearance characteristics to the elements of a web page, which are then displayed on the web page (page 2, column 1, lines 37-46 and column 2, lines 1-4). Mione does not disclose specifically that the tags used would be META tags. Cowen discloses using META tags to specify the style or theme of a website (page 14, lines 6-7). It would have been obvious for one skilled in the art, at the time of the invention to learn from Cowen and implement the theme tag using META tags. META tags allow you to describe the theme of the web page and means for describing the web page as a whole, as opposed to component-by-component basis (page 1, lines 1-4). META tags are also conveniently placed at the heading of the code, thereby disclosing the theme of the web page without having to parse through the code, which may describe the theme but only appear further down into the code. Hence, one skilled in the art would be motivated to learn from Cowen and implements these theme tags specifically using the META tags.

Referring to claim 14, Mione discloses that once an indication has been found in the web page for a desire for a themed appearance, this information is followed by instructions specifying cascading style sheet properties (page 2, column 1, lines 6-21). Mione discloses that within the specified style sheet properties, there is a means for ignoring certain properties and means for applying certain properties that are applicable to certain elements of the web page being

displayed (page 3, column 1, lines 21-24, column 2, lines 13-17 and page 4, column 1, lines 8-12).

Referring to claim 15, Mione discloses that a default appearance is available if a themed look is not indicated in the web page (page 5, column 2, lines 17-20).

Referring to claim 16, Mione discloses determining whether a defined theme tag is present in the web page (page 2, column 1, lines 6-8). Mione discloses that once such a stylizing tag is present in the web page, having the means to be routed to the external appearance manager, which assigns themed appearance characteristics to the elements of a web page, which are then displayed on the web page (page 2, column 1, lines 37-46 and column 2, lines 1-4).). Mione does not disclose specifically that the tags used would be META tags. Cowen discloses using META tags to specify the style or theme of a website (page 14, lines 6-7). It would have been obvious for one skilled in the art, at the time of the invention to learn from Cowen and implement the theme tag using META tags. META tags allow you to describe the theme of the web page and means for describing it as a whole, as opposed to component-by-component basis (page 1, lines 1-4). META tags are also conveniently placed at the heading of the code, thereby disclosing the theme of the web page without having to parse through the code, which may describe the theme but only appear further down into the code. Hence, one skilled in the art would be motivated to learn from Cowen and implements these theme tags specifically using the META tags.

Referring to claim 17, Mione discloses having the means to determine whether a theme tag exists and to determine a means for indicating that this themed appearance is not desired for the web page and a means for rendering the request for the control to utilize the standard look

that is not themed by the appearance manager. See page 5, column 1, lines 21-31. Mione does not disclose specifically that the tags used would be META tags. Cowen discloses using META tags to specify the style or theme of a website (page 14, lines 6-7). It would have been obvious for one skilled in the art, at the time of the invention to learn from Cowen and implement the theme tag using META tags. META tags allow you to describe the theme of the web page and means for describing it as a whole, as opposed to component-by-component basis (page 1, lines 1-4). META tags are also conveniently placed at the heading of the code, thereby disclosing the theme of the web page without having to parse through the code, which may describe the theme but only appear further down into the code. Hence, one skilled in the art would be motivated to learn from Cowen and implements these theme tags specifically using the META tags.

Referring to claim 20, Mione discloses a method for rendering any components of a web page on the display of a computer, the computer having the means to render a graphical component upon receiving the request for the display of the components belonging to a website (page 1, column 1, lines 26-30). Mione discloses rendering these components for a web page, wherein the rendering will occur when the web page has been requested and the components must be rendered for displaying (page 1, column 1, lines 1-2 and 30-33). Mione discloses determining whether cascading style sheet properties has been specified (page 2, column 1, lines 6-8). Mione also disclosing if the <STYLE> tag has not been used to indicate theming characteristics, then checking to determine if a theme style is specified in the web page through a <LINK> tag (page 2, column 1, lines 1-4). Mione discloses that once such a stylizing tag is present in the web page, having the means to be routed to the external appearance manager,

which assigns themed appearance characteristics to the elements of a web page, which are then displayed on the web page (page 2, column 1, lines 37-46 and column 2, lines 1-4).

Referring to claim 22, Mione discloses that a default appearance is available if a themed look is not indicated in the web page (page 5, column 2, lines 17-20).

Referring to claim 23, Mione discloses rendering the component using the cascading style sheet properties if they are specified (page 2, column 1, lines 15-21) rather than routing the request to the appearance manager as is done in page 2, column 2, lines 3-4.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-8, 9-10 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over "HTML in Style: Using Cascading Style Sheets" (Antonino N. Mione) and "10 Questions About Meta Data" (Amy Cowen).

Referring to claims 1 and 9, Mione discloses a method for rendering any components of a web page on the display of a computer, the computer having the means to render a graphical component upon receiving the request for the display of the components belonging to a website (page 1, column 1, lines 26-30). Mione discloses rendering these components for a web page, wherein the rendering will occur when the web page has been requested and the components must be rendered for displaying (page 1, column 1, lines 1-2 and 30-33). Mione discloses determining whether a defined theme tag is present in the web page (page 2, column 1, lines 6-

8). Mione discloses that once such a stylizing tag is present in the web page, having the means

to be routed to the external appearance manager, which assigns themed appearance

characteristics to the elements of a web page, which are then displayed on the web page (page 2,

column 1, lines 37-46 and column 2, lines 1-4). Mione does not disclose specifically that the

tags used would be META tags. Cowen discloses using META tags to specify the style or theme

of a website (page 14, lines 6-7). It would have been obvious for one skilled in the art, at the

time of the invention to learn from Cowen and implement the theme tag using META tags.

META tags allow you to describe the theme of the web page and means for describing the web

page as a whole, as opposed to component-by-component basis (page 1, lines 1-4). META tags

are also conveniently placed at the heading of the code, thereby disclosing the theme of the web

page without having to parse through the code, which may describe the theme but only appear

further down into the code. Hence, one skilled in the art would be motivated to learn from

Cowen and implement these theme tags specifically using the META tags.

Referring to claims 2 and 10, Mione discloses that all components in a web page, which

would include controls that are being requested for display, will be rendered (page 1, column 1,

lines 4-6).

Referring to claim 3, Mione discloses that if styled or themed information is requested,

then there would be an indication which would be described in the code that would indicate that

a styled or themed appearance is desired, this desire being shown by the HTML tags (page 2,

column 1, lines 6-8).

Referring to claim 4, Mione discloses that once an indication has been found in the web

page for a desire for a themed appearance, this information is followed by instructions specifying

cascading style sheet properties (page 2, column 1, lines 6-21). Mione discloses that within the specified style sheet properties, there is a means for ignoring certain properties and means for applying certain properties that are applicable to certain elements of the web page being displayed (page 3, column 1, lines 21-24, column 2, lines 13-17 and page 4, column 1, lines 8-12).

Referring to claim 5, Mione discloses that a default appearance is available if a themed look is not indicated in the web page (page 5, column 2, lines 17-20).

Referring to claim 6, Mione discloses allowing the user to indicate through the HTML tags for controlling the request by keeping the standardized look and not allowing the theme manager to make changes to the web page component (page 5, column 1, lines 27-33).

Referring to claim 7, Mione discloses that this involves web pages, which are accessible by a computer system, which would need both a computer readable medium and executable instructions for performing the instructions to carry out the invention described by Mione. It would have been obvious, for one skilled in the art, at the time of the invention to have a computer readable medium having computer executable instructions for performing certain steps. These are inherent in Mione's invention, for such a readable medium containing instructions is the way that computer systems carry out the functionality when working with web pages. Hence, it would be obvious that Mione's invention includes such a readable medium with computer executable instructions that will carry out the instructions necessary for Mione's disclosure.

Referring to claims 8 and 25, Mione discloses accessing a web page and using programs such as HTML version 4.0 (page 1, column 1, lines), all of which are clearly involved in

computer systems. It would have been obvious, for one skilled in the art, at the time of the invention to have a computer system with a processor, a memory and an operating environment for performing certain steps. Mione's invention discusses accessing websites and using technology to develop these sites, all clearly involving some kind of a computer system. These computer systems would need a processor, memory and an operating environment to be fully functional and it is inherent that this computer system with its processor, memory and operating environment allows Mione to carry out the invention disclosed.

6.   Claims 18-19 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mione.

Referring to claims 18 and 24, Mione discloses that this involves web pages, which are accessible by a computer system, which would need both a computer readable medium and executable instructions for performing the instructions to carry out the invention described by Mione. It would have been obvious, for one skilled in the art, at the time of the invention to have a computer readable medium having computer executable instructions for performing certain steps. These are inherent in Mione's invention, for such a readable medium containing instructions is the way that computer systems carry out the functionality when working with web pages. Hence, it would be obvious that Mione's invention includes such a readable medium with computer executable instructions that will carry out the instructions necessary for Mione's disclosure.

Referring to claim 19, Mione discloses accessing a web page and using programs such as HTML version 4.0 (page 1, column 1, lines), all of which are clearly involved in computer systems. It would have been obvious, for one skilled in the art, at the time of the invention to

have a computer system with a processor, a memory and an operating environment for performing certain steps. Mione's invention discusses accessing websites and using technology to develop these sites, all clearly involving some kind of a computer system. These computer systems would need a processor, memory and an operating environment to be fully functional and it is inherent that this computer system with its processor, memory and operating environment allows Mione to carry out the invention disclosed.

Conclusion

7.   The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach a method for rendering a graphical component.

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington D.C. 20231.

If applicant desires to fax a response, (703) 746-7238 may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft communications. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed. Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).
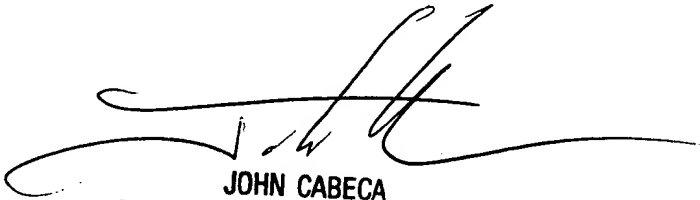
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (703) 305-7691. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Namitha Pillai
Assistant Examiner
Art Unit 2173
May 2, 2003

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